## RECEIVED FEDERAL ELECTION COMMISSION

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OFFICE OF GENERAL COUNSEL



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February 26, 2010

Jeff S. Jordan, Esq.
Supervisory Attorney
Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Dear Mr. Jordan:

**RE:** MUR 6246

We are writing to you on behalf of Porter for Congress and its Treasurer, Ms. Chrissie Hastie, for whom this firm serves as counsel. On January 13, 2010, Ms. Hastie received notification that the Federal Election Commission ("FEC" or "the Commission") had received a complaint indicating that Porter for Congress and Ms. Hastie may have violated the Federal Election Campaign Act of 1971 ("the Act"). The notification included a copy of a complaint filed with the Commission by Kjelden Cundiff. For reasons more fully detailed below, Porter for Congress and Ms. Hastie respectfully submit that there is no basis to find a violation of the Act and respectfully request that the complaint be dismissed.

In his complaint, Mr. Cundiff has alleged that in October 2008, while employed as National Director for Compliance of Dollar Loan Center, LLC, the majority owner of the company, Mr. Charles Brennan, asked Mr. Cundiff to have him and his wife make separate personal \$2300 contributions to the Porter for Congress campaign for which Mr. Brennan would reimburse him in cash. In his complaint, Mr. Cundiff asserts that he had concerns about the legality of the contributions and as a result did not make the requested contribution. In sum, Mr. Cundiff in his complaint makes no allegation that an illegal contribution was, in fact, made or that anyone affiliated with Porter for Congress solicited or accepted an illegal contribution.

Mr. Cundiff further asserts that he believes it is "suspicious" that Mr. Brennan's parents made \$2300 contributions to Porter for Congress despite never having previously made a contribution to a Congressional campaign. He also alleges that the Brennans misrepresented that they were owners of Dollar Loan Center LLC. Finally, Mr. Cundiff asserts that he regards it as suspicious that Mr. Bruce Cooey, the President of Dollar, and his wife both made contributions to Porter for Congress despite never having previously made a contribution to a Congressional campaign. Mr. Cundiff also regarded it as suspicious that Mr. and Mrs. Cooey, residents of South Dakota, made contributions to a campaign in Nevada. In sum, Mr. Cundiff has filed an entirely speculative complaint and has provided no factual information to support an assertion that Porter for Congress or Ms. Hastie solicited or accepted a contribution in violation of the Act.

Neither Porter for Congress nor Ms. Hastie have any information relating to the unsubstantiated allegations made by Mr. Cundiff regarding the request by his employer to make a contribution for which he would be reimbursed. By his own admission, Mr. Cundiff makes clear that he did not make an illegal contribution. Similarly, neither Porter for Congress nor Ms. Hastie have any information that in any way suggests that the contributions made by Mr. Brennan's parents or the Cooeys, which Mr. Cundiff regards as suspicious, were contributions that were reimbursed by Mr. Charles Brennan in violation of law. Neither Porter for Congress nor Ms. Hastie solicited an illegal contribution as alleged in the complaint and had no reason to believe then or now that an illegal contribution was made to the campaign.

Porter for Congress and Ms. Hastie have reviewed the records of the campaign for records relating to the contributions referenced by Mr. Cundiff in his complaint. These records reflect that on October 21, 2008, Mr. Charles Brennan made a contribution of \$4600. A copy of the check is attached as Exhibit A. The contribution is reflected on the Report of Receipts and Disbursements, FEC Form 3, filed with the Commission on December 4, 2008. See attached Exhibit B. The contribution is shown on Schedule A, Page 33. On January 27, 2009 the campaign filed its year end FEC Form 3. Schedule B, Page 18 of the Report reflects that, on December 15, 2008, \$2300 of the contribution was returned to Mr. Brennan as an excess contribution. See attached Exhibit C. A copy of the check refunding the excess contribution is attached as attached Exhibit D.

With respect to the contribution of Mr. and Mrs. Cooey, the records of the campaign reflect that a check in the amount of \$4600 drawn on the account of Bruce and Carla Cooey and signed by Ms. Carla Cooey was made to Porter for Congress on October 22, 2008. A copy of the check is attached as Exhibit E. The contribution is reflected on the Report of Receipts and Disbursements, FEC Form 3, filed with the Commission on December 4, 2008. The contribution is shown on Schedule A, Page 38. Attached as Exhibit F. The report reflects that \$2300 of that contribution was reattributed to Mr. Bruce Cooey. By letter dated November 1, 2008, Ms. Hastie notified Ms. Brennan of presumptive reattribution, per FEC regulations. A copy of the correspondence is attached as Exhibit G.

With respect to the contribution of Mr. and Mrs. Robert Brennan, the records of the campaign reflect that a check in the amount of \$4600 drawn on the account of Robert and Judi Brennan and signed by Ms. Judi Brennan was made to Porter for Congress on October 22, 2008. A copy of the check is attached as Exhibit H. The contribution is reflected on the Report of Receipts and Disbursements, FEC Form 3 filed with the Commission on December 4, 2008. The contribution is shown on Schedule A, Page 34. Attached as Exhibit I. The report reflects that \$2300 of that contribution was reattributed to Mr. Robert Brennan. By letter dated November 1, 2008, Ms. Hastie notified Ms. Brennan of that presumptive reattribution, per FEC regulations. A copy of the correspondence is attached as Exhibit J.

In the event you require any further information from the campaign or Ms. Hastie, please do not hesitate to contact me.

Sincerely,

**AKERMAN SENTERFITT** 

For Ralph J. Caccia

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